

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re

**FILING, SIGNING, AND VERIFYING
DOCUMENTS BY ELECTRONIC
MEANS**

**SECOND AMENDED
GENERAL ORDER 02-01**

WHEREAS Federal Rule of Civil Procedure 83 and Federal Rules of Bankruptcy Procedure (F.R.B.P.) 5005(a)(2), 7005(e), and 9029 authorize courts to establish practices and procedures for the filing, signing, and verification of documents by electronic means; and

WHEREAS the Court issued General Order 02-01 regarding the filing, signing, and verification of documents by electronic means using the Court's *eFile* system on January 11, 2002, and issued an Amended General Order 02-01 on August 12, 2003; and

WHEREAS the Court now wishes to further amend Amended General Order 02-01 to clarify certain paragraphs and to add new paragraphs 17, 18, and 19;

IT IS HEREBY ORDERED that:

1. Certain documents as designated by the Clerk of Court may be filed, signed, or verified by electronic means using the Court's electronic filing system.

2. A document filed using the Court's electronic filing system constitutes a written document or written paper for the purpose of applying the F.R.B.P., the Federal Rules of Civil

1 Procedure made applicable by the F.R.B.P., § 107 of the Bankruptcy Code, and the Court's Local
2 Bankruptcy Rules (L.B.R.).

3 3. In addition to the other records of the Court, electronically filed documents are
4 designated as and shall constitute the official record of the Court.

5 4. In order to use the Court's electronic filing system to file documents electronically,
6 users must first register and obtain a log-in user name and password issued by the Clerk of Court.
7 As part of the registration process, users must provide (i) an e-mail address for purposes of
8 electronic notice, and (ii) an authorization and the information necessary to permit the payment of
9 applicable filing fees by electronic means as specified by the Court. By registering and receiving
10 a log-in user name and password, the user agrees to adhere to this General Order, any supplements
11 and/or amendments thereto, and any L.B.R. regarding the filing, signing, and verification of
12 documents by electronic means that may hereafter be issued. Registered users shall promptly notify
13 the Clerk of Court of any changes in the billing or other information provided during the registration
14 process.

15 5. The use of a registered user's log-in user name and password to file a document
16 electronically shall constitute the signature of the registered user on the document being
17 electronically filed. If the registered user is an attorney, the use of the registered attorney's log-in
18 user name and password to file a document electronically shall constitute the signature of that
19 attorney on that document under F.R.B.P. 9011 and L.B.R. 1002-1(a).

20 6. It shall be the duty of the registered user to retain control of, and to protect and
21 secure the confidentiality of, his or her log-in user name and password, and to prevent their
22 disclosure to any person not authorized to utilize them. No registered user shall knowingly permit
23 or cause to permit his or her log-in user name and password to be utilized by anyone other than an
24 authorized individual empowered to act on behalf of the registered user. Upon learning that the
25 security of an existing password has been compromised, or if circumstances otherwise necessitate
26 having to obtain a new password, the registered user shall (i) notify the Court in writing; and (ii)
27 obtain a new password by accessing the "Change My Password" option from the *eFile* Main Menu.

1 7. No person shall knowingly utilize or cause another person to utilize the log-in user
2 name and password of a registered user unless such person is an authorized member or employee
3 of the registered user's law firm or organization.

4 8. Documents that require the verified signature of a person other than the registered
5 user who is electronically filing the document shall be electronically imaged using scanning
6 technology and electronically filed in a format specified by the Clerk of Court. The party making
7 the electronic filing shall maintain the executed originals of such documents for a period of five
8 years after the closing of the case or adversary proceeding in which the documents are filed, and
9 shall make the executed originals available for review upon request of the Court or other parties.

10 9. Whenever a document is submitted for filing using the Court's electronic filing
11 system, the Clerk of Court shall electronically notify the filing party of the acceptance or rejection
12 of the filing. If the notice confirms the acceptance of the filing, the notice shall contain a hyperlink
13 to an electronic copy of the filed document, and the document shall be deemed filed on the date and
14 at the time affixed on the filed document by the Court. A notice confirming the acceptance of the
15 filing shall also serve as confirmation that the document has been entered on the docket kept by the
16 Clerk under F.R.B.P. 5003.

17 10. Requirements to file one or more copies along with the original document shall not
18 apply to electronically filed documents.

19 11. The request for and receipt of a log-in user name and password from the Court shall
20 constitute an agreement to receive documents by electronic transmission at the e-mail address or
21 addresses designated by the registrant during the registration process.

22 12. The party filing the document using the Court's electronic filing system shall serve
23 the document on other parties as required by the F.R.B.P. and L.B.R.

24 13. Any order filed electronically by the judge presiding over the matter and therefore
25 without the judge's original signature shall have the same force and effect as if the judge had affixed
26 his or her signature to a paper copy of the order and such order had been entered on the docket in
27 a conventional manner.

1 14. Copies of documents that have been filed electronically which the Court is required
2 to transmit to the United States Trustee shall be electronically transmitted to the United States
3 Trustee.

4 15. For motions, complaints or applications that have been electronically filed with the
5 Clerk of Court, L.B.R. 9021-1(a)(1)(B) is hereby modified to allow proposed orders or judgments
6 also to be lodged electronically with the Clerk of Court anytime after filing and prior to the hearing
7 on the underlying matter.

8 16. For proposed orders or judgments that have been electronically lodged with the Clerk
9 of Court, L.B.R. 9021-1(a)(1)(D) is hereby modified to eliminate the need to submit copies of the
10 proposed order or judgment and stamped, addressed envelopes for all parties entitled to notice of
11 the entry of the order or judgment.

12 17. Instead of scanning petitions, schedules, statements, and plans that require the
13 signature of the debtor(s) as provided in paragraph 8, the signature of the debtor(s) on electronically
14 filed petitions, schedules, statements, and plans shall be denoted by “/s/,” followed by the debtor’s
15 name, on the signature lines where such signatures are required or applicable. In furtherance of
16 paragraph 5 of this General Order, the signature of the attorney for the debtor(s) on electronically
17 filed petitions, schedules, statements, and plans shall be denoted by “/s/,” followed by the attorney’s
18 name, on the signature lines where such signatures are required or applicable. Petitions, schedules,
19 statements, and plans filed using the Court’s electronic filing system shall be accompanied by an
20 *Electronic Filing Declaration of Debtor(s)* signed by the debtor(s), or an *Electronic Filing*
21 *Declaration of Authorized Signatory of Debtor* if the debtor is a corporation or partnership, and an
22 *Electronic Filing Declaration of Attorney for Debtor(s)* signed by the attorney for the debtor(s).
23 Failure to denote “/s/,” followed by the signer’s name, on applicable signature lines shall constitute
24 a failure to sign the documents on such signature lines, and the failure to submit the *Declaration*
25 shall constitute a failure to sign in the locations indicated by “/s/,” followed by the signer’s name,
26 by the declarant. The debtor(s) and the attorney for the debtor(s) shall sign a true and correct hard
27 copy of the petition, schedules, statements, and plan before the electronic versions of the same have
28 been electronically submitted for filing. The attorney shall maintain the executed originals of such

1 documents and the *Declarations* for a period of five years after the closing of the case in which the
2 documents are filed, and shall make the executed originals available for review upon request of the
3 Court or other parties.


4 18. The requirement to file a *Statement of Social Security Number(s)* (Form B21) shall
5 not apply to petitions filed electronically. However, prior to electronically submitting the petition
6 for filing, the debtor(s) shall complete and sign a *Statement of Social Security Number(s)*
7 (Form B21) and provide the executed original to the filing attorney. The attorney shall maintain
8 the executed original of the *Statement of Social Security Number(s)* (Form B21) for a period of five
9 years after the closing of the case, and shall make the executed original available for review upon
10 request of the Court.

11 19. Effective 90 days from the date of this General Order, except as provided in
12 subparagraph (a) below, attorneys who manually file within a single calendar year in each of at least
13 five cases or adversary proceedings one or more documents that are capable of being filed
14 electronically, shall thereafter file electronically using the *eFile* system in all cases and adversary
15 proceedings all documents capable of being filed electronically.

16 (a) Documents to be filed under seal pursuant to L.B.R. 5003-2(d)(1) shall be manually
17 filed in paper format, unless electronic filing has been specifically authorized or directed by the
18 Court.

19 (b) The Court shall monitor the number of cases or adversary proceedings in which
20 documents are filed manually by each attorney and may issue an Order to Show Cause why
21 sanctions or other consequences should not be imposed in the event that an attorney fails to comply
22 with paragraph 19 of this General Order.

23
24 DATED: February 28, 2005



BARRY RUSSELL
Chief Judge, United States Bankruptcy Court